

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KELLY A ELIAS, pro se,

Plaintiff,

vs.

Case No. 09-CV-13527
HON. GEORGE CARAM STEEH

PITT, McGEHEE, PALMER, RIVERS
AND GOLDEN, P.C., et al.

Defendant.

ORDER DISMISSING JANUARY 14, 2010 ORDER TO SHOW CAUSE (# 2)
AND EXTENDING TIME FOR SERVICE THROUGH FEBRUARY 16, 2010

Plaintiff Kelly Elias, appearing pro per, was ordered to show cause by February 1, 2010 why her employment discrimination claims under the federal Family Medical Leave Act, the federal Americans with Disabilities Act, and Michigan's Persons with Disabilities Civil Rights Act, should not be dismissed for lack of prosecution. Plaintiff filed her complaint on September 4, 2009. A proof of service has not been filed as to any defendant. By Rule, service was to be accomplished by January 4, 2010. See Fed. R. Civ. P. 4(m).

Plaintiff hand-delivered a timely written response to the court on January 29, 2010, asking the court for a 14-day extension to serve the defendants, and for additional time to secure counsel, or for the appointment of counsel.

The court is authorized to grant Elias additional specific time to serve the defendants. Fed. R. Civ. P. 4(m). Given the nearly five months that have passed since plaintiff filed her complaint, the court is not persuaded that Elias should be granted additional time to secure counsel beyond the time extension for service. No private funds

exist for appointment of counsel in this civil matter. Accordingly,

IT IS ORDERED that the court's January 14, 2010 show cause order is hereby DISMISSED, without prejudice. Plaintiff Elias's request for an extension of time to serve the defendants is hereby GRANTED, to the extent that Elias SHALL serve the defendants as required by the Federal Rules of Civil Procedure on or before February 16, 2010. Plaintiff Elias SHALL also file timely proofs of service with the court indicating that service was accomplished on or before February 16, 2010. Plaintiff's failure to comply with this Order may result in the dismissal of her claims without prejudice. Plaintiff Elias' requests for additional time to secure counsel or for appointment of counsel are hereby DENIED, without prejudice.

SO ORDERED.

Dated: February 2, 2010

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
February 2, 2010, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk